

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

STEPHANIE IDEUS,

Plaintiff,

vs.

TEVA PHARMACEUTICALS USA,
INC., TEVA BRANDED
PHARMACEUTICALS PRODUCTS
R&D, INC., and TEVA WOMEN'S
HEALTH, INC.,

Defendants.

4:16CV3086

MEMORANDUM AND ORDER

The court's order was written on Plaintiff's motion to compel Defendants' response to Request for Production 36,¹ (Filing No. 40), but before the court filed the order, Defendant filed a motion for leave to file supplemental briefing, (Filing No. 52), and Plaintiff filed motion and brief opposing Defendant's supplemental briefing (Filing No. 53).

After reviewing the supplemental briefing, the court is convinced that neither the court nor the parties can assess the proportionality of Plaintiff's requested discovery until Judge Gerrard rules on Defendants' motion for judgment on the pleadings, (Filing No. 45). Simply stated, Plaintiff's motion to compel is premature.

Accordingly,

¹ The parties' discussed both Request 36 and 38 during their pre-motion discovery conference with the court. However, they resolved their dispute over Request 38 after that hearing. (Filing No. 42 at CM/ECF p. 13; 47 at CM/ECF p. 2 n. 2).

IT IS ORDERED:

1) Plaintiff's motion to compel production of "all documents that concern any Complaint Investigation Process regarding [complaints concerning breakage and embedment issues for those who received] the ParaGard T-380 A Copper IUD [from November 9, 2005 to present]," (Filing No. 40), is denied without prejudice to re-filing, if appropriate, after Judge Gerrard rules on Defendant's motion for judgment on the pleadings.

2) The parties' motions to file supplemental briefs, (Filing Nos. 52 and 53), are denied as moot.

August 2, 2017..

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge